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JRW /

PATENT  
Attorney Docket 054160-5015-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**TRANSMITTAL FOR CONTINUATION PATENT APPLICATION**  
**UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a Continuation Patent Application under 37 C.F.R. § 1.53(b).

1. This application is a Continuation Patent Application under 37 C.F.R. § 1.53 of pending prior application No. 10/731,633 filed on December 9, 2003 of:

Inventors: 1. Toshikazu Hamamoto, Ube-shi, Japan  
2. Koji Abe, Ube-shi, Japan  
3. Tsutomu Takai, Ube-shi, Japan  
4. Yasuo Matsumori, Ube-shi, Japan

For: **Non-Aqueous Electrolyte and Lithium Secondary Battery Using the Same**

Prior Application: 10/731,633

Examiner: Tracy Mae Dove

Group Art Unit: 1745

2. The papers enclosed are as follows:

A new continuation application:

23 Pages of specification including  
19 Pages of description  
03 Pages of claims  
01 Page of the Abstract of the Disclosure

3. Oath or Declaration: A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
4. Assignment: The prior application is assigned of record to Ube Industries, Ltd. at Reel/Frame 010945/0774 on July 24, 2000.

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5. **Extension of Time in Parent Application No. 10/731,633:** For the purposes of maintaining copendency between prior application 10/731,633 and this continuation application, Applicants petition for a two-month extension of time extending the period for response from November 30, 2006 to January 30, 2007, the fee for which is \$450.00 as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefore.

6. Fee Calculation (37 C.F.R. § 1.16):

APPLICATION FILING FEES FOR FEE CALCULATION				
Basic Application Filing Fee				\$300.00
Application Size Fee				\$0.00
Search Fee				\$500.00
Examination Fee				\$200.00
				Sub-total = \$00.00
CLAIMS FOR FEE CALCULATION				
	Number Filed	Extra	at Rate of	
Total Claims	17 – 20	0	\$50.00 each =	\$00.00
Independent Claims	2 – 3	0	\$200.00 each =	\$00.00
Multiple dependent claims			\$360.00	\$00.00
			Sub-total =	\$00.00
			Reduction by ½ for filing by a small entity	-\$00.00
			Total Filing Fee =	\$00.00

7. **Fee Payment:** The Commissioner is hereby authorized to charge \$450.00 to Deposit Account No. 50-0310 for payment of the two-month extension of time fee in prior application 10/731,633.

**The application filing fee is not being paid by at this time.** This application is being filed under the provisions of 37 C.F.R. 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for paying the filing fee.

8. **Additional Papers Filed:**

- (i) Copy of Declaration
- (ii) Copy of Revocation of Original Power of Attorney and Grant of New Power of Attorney by Assignee filed in parent Application No. 09/569,185

9. The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that

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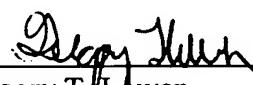
Customer Number. Please address all correspondence to Morgan, Lewis & Bockius LLP at Customer No. 009629.

10. Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

**Please accord this new U.S. Continuation Application a serial number and filing date.**

Dated: **January 30, 2007**  
Morgan, Lewis & Bockius LLP  
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Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
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